



COUNCIL MEETING MINUTES

Monday 28 June 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
28 June 2021

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

As determined by Break O'Day Council in March 2019 all Ordinary, Special and Annual General Meetings of Council are to be audio recorded and a link will be available on the Break O'Day Council website where the public can listen to audio recordings of previous Council Meetings.

In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.

OPENING

The Mayor to welcomed Councillors, the Community and staff and declared the meeting open at 10.00am.

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.

06/21.1.0 ATTENDANCE

06/21.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM
Councillor Lesa Whittaker
Councillor Kylie Wright

06/21.1.2 Apologies

Nil

06/21.1.3 Leave of Absence

Nil

06/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 6.1 – 14.1*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.5*)
Manager Community Services, Chris Hughes (*Item 1.0 – 18.5*)
Planning Consultant, Rebecca Green (*Item 1.0 – 7.1*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.2*)
NRM Officer, Polly Buchhorn (*Item 14.3 – 17.1*)
Records Officer, Tenille Coker-Williams (*Item 6.1 – 13.5*)
Administration Officer, Marina Norton (*Item 13.5 – 14.1*)

06/21.2.0 PUBLIC QUESTION TIME

Three (3) people in the gallery.

In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2015 the following questions were submitted in writing prior to the Council Meeting.

06/21.2.1 Basin Creek Quarry - Mr T Dudley obo North East Bio regional Network, St Helens

The agenda incorrectly states on page 30 that the bridge linking Flagstaff Road with the quarry was washed away in 2016. The bridge was destroyed by flooding in 2011.

The legal advice relied upon on page 36 of the agenda states:

“In our view it would also be reasonably open for the Council to infer that prior to the Original Permit expiring on 21 December 2013, there was some form of physical works completed as part of upgrading Flagstaff Road. In support of that we note that Council was advised on 2 October 2013, nearly three (3) months prior to the expiry date, that materials from the Quarry would be extracted and used within the “next few weeks” as part of access upgrades.”

Given that the legally approved access off Flagstaff Road was not accessible due to being washed away in 2011 the above statement infers materials were being accessed via a access not approved. On page 31 it is claimed that the Level 1 mining lease permit issued for the quarry explicitly approved use of the Batchelor Track as an access for “transporting materials”. Can Council provide evidence of this.

Is it the case that there was no development application and subsequent planning permit from Council associated with the Level 1 Quarry permit 16M/94? In what year was a planning permit first issued for the quarry operation and did this coincide with the issuing of a Level 2 operation being approved?

We are also concerned that the applicant knocked over approximately 2,000 She Oaks and Eucalypts on Batchelor Track in 2019 with approval from Sustainable Timbers Tasmania and subsequently the Council when the Batchelor Track was not an approved access to the quarry and the quarry lease was not in the possession of the current applicant but a former one.

Reply

This matter relates to a Development Application listed for Councils consideration at this meeting and due to the process that must be followed as a Planning Authority the specifics raised in this question will be addressed through the approval process.

06/21.2.2 Fees and Charges – Mr T Dudley obo North East Bioregional Network, St Helens

Re page 110 of the Agenda: What large scale developments are Council referring to? What Special Area Plans, Rezoning or Amendments are being sought. What criteria will Council use to charge fees “by negotiation” with larger developments to ensure the process is transparent and accountable?

Reply

Council Officers have prepared the proposed fees & charges to ensure that Council can appropriately charge developers a relevant fee for service. It was noted on review that the relevant fees for the proposals you have suggested in your question should not be limited in the event that a development application is received that requires extensive resources in order to discharge Councils requirements for assessment against relevant legislation. In the event that this situation occurs the relevant fees and charges will be negotiated with the applicant/developer in order for Council to recover any costs occurred in order to deliver the service.

06/21.2.3 2021 / 2022 Budget – Mr T Dudley obo North East Bioregional Network, St Helens

Re page 143 of the Agenda: Special Project LPS and Strategic Planning Document Review. What is the basis and purpose of this project? Will there be any community consultation association with this project? Where is the \$70,000 being sourced from?

Reply

The State Government has required all Councils to develop Local Provisions Schedules (LPS) as part of their objective to introduce the Tasmanian Planning Scheme which we have no option but to comply with their direction. Initial community engagement relating to this process occurred in October 2019 and following advice from the Tasmanian Planning Commission a formal exhibition period will commence. In the 2020-21 Budget Council also made provision for a targeted review of Council's current Strategic Planning studies being, the St Helens Structure Plan 2013 and the Land Use and Development Strategy Municipal Management Plan 2015. Council has identified the following key land use matters that the review will consider:

1. St Helens Industrial land supply / demand – vacancies, occupancies and future demand;
2. St Helens Residential and Rural Living land supply / demand;
3. Commercial Supply/Demand.

Council has not yet engaged the services of a consultant to deliver the review and we do expect that there will be communication and consultation as part of this project.

The funding for the project has been included in the proposed 2021/2021 financial year and be funded from Council's revenue sources.

06/21.2.4 Scamander Bridge Demolition and Future Beautifying of the Area - Ms S French, Scamander

1. Does Council recognise that Scamander has been short changed with the demolition of the 1935, No 7 bridge?

The reason why I pose this particular question is that a committee was formed to gather input from the Scamander community for the future development of the river area, being known as the "Bream Fishing Capital" for Tasmania.

This Committee comprising three (3) astute local Scamander men, five (5) other people, a person from Council and a representative from State Growth. The local committee members have never heard back from Council regarding their suggestions or indeed not even a thank you.

The suggestions were:

- A walking track from the MAST Pontoon be established to go under bridge No 8 to link with the toilet block.
- Pontoons/floating jetties be established on both sides of the river for fishing.
- Beautifying the river banks to allow picnic tables and seating with interpretation panels telling the story of the eight (8) bridges.
- A walkway running along side bridge No 8 as No 7 bridge once had.

So my first question relates to the barrier which has been put up alongside the footpath (the footpath has always been there and was not extended as people understood it would). The pathway is not really providing a fishing area when it is a shared pathway, I therefore believe that Scamander has indeed been short changed.

2. Has the Council a future plan of the river area? If so, when will the residents have an opportunity to view it, and to just be informed and kept in the loop of Councils intentions?
3. The Manager of The Blue seas Holiday Villas has informed me that tourists and guests staying there WILL NOT be returning because they cannot fish or see where future fishing areas will be or never be. People with a disability staying at the Villas also want to have suitable access to the river. The people of Scamander and the committee were told that monies would be available for improvements to access the river for fishing via grants. The Manager from Blue Seas rang the Council to be told that NO money was available to do any work.
4. Has the Council negotiated with the State Government (State Growth) for monies to develop the river area after the demolition of bridge No 7?
5. Will Council receive any monies from BridgePro (the demolition contractors) or the State Government for the disposal of materials from the bridge to the Scamander Refuse Site? Such funds could be used to address some beautifying aspects.
6. I would like an onsite meeting with Council, the former Committee members and anyone from the community to address the future river flow, the river mouth, fishing piers/jetties or pontoons, the beautifying the river banks and the tidying up of the rock wall (which has moved).

Fingal and St Helens have had their assistance.

It is now time for the lovely village of Scamander to receive assistance from Council.

Photos.

- ① Shows the dislodgement of the rocks. — A hazard.
- ② Rocks with hazardous gaping holes close to the playground.
- ③ Blue Seas. — drain
Dexter French clears this after a heavy storm or rainfall.
- ④ Drain with broken sections.
Anyone could fall into this.
this has been reported on numerous occasions
- ⑤ Maintenance work needed for grass & eventually new tables.

These photos show the need for an on site meeting.











Reply

1. The group had several meetings, the above suggestions were developed into a draft Conceptual Plan which came from the sessions which were held. The draft conceptual plan was put out for feedback with the Scamander community, at all times we advised that the project would need external funding. One of the community members developed the history of the bridges, which is where the idea of the interpretative panels came from. The draft plan did have a pathway which went under the existing new bridge, but due to tide levels, this was not supported as there would not have been enough head room to allow people to walk under the bridge safely.

The committee also spoke about utilising the existing rock from the bridge abutments to secure the river banks, but the Department of State Growth would not allow us to have access to the rock for this purpose.

The design was commissioned by the Department of State Growth, so Council had no say in how this would be designed.

2. Council has no control over the rivers and waterways, this will need to be discussed with relevant agency.
3. A Council officer spoke with the owner of Blue Seas. She asked whether the draft conceptual plan which had been developed with the group of residents, community members and Council staff was still going ahead. The Council officer advised that there had been some form of an election promise to provide some funds to build a gravel path and place some interpretative panels telling the stories of the bridges. The Council officer further advised that when the funds were chased up with the present Government they had been re-allocated. In addition, MAST were provided with funds to build a pontoon at the existing Scamander boat ramp to allow people to fish. Unfortunately, the owner of Blue Seas said that people were complaining because it moved and had no barriers to provide protection from falling in. The Council Officer suggested that she ring the Department of State Growth with her concerns and tell them what her visitors had told her about not coming back etc.
4. Council advises that costings had been developed in 2018 for foreshore works and interpretation totalling approximately \$160,000 and that there had been some form of an election promise to provide some funds to build a gravel path and place some interpretative panels telling the stories of the bridges but nothing in written form had been received. The Council staff have followed this up more recently with the present Government and found that apparently they had been re-allocated. In addition, MAST were provided with funds to build a pontoon at the existing Scamander boat ramp to allow people to fish.
5. No monies are being or to be received for clean fill taken to the waste transfer station. The fill is being used to improve the green waste lay down and composting area at no cost to the Council.

Embankment rock removed from the southern road approach is stockpiled for later reuse at the Scamander River.

A grant has been lodged applying for eight (8) interpretative panels and stands which if successful will be placed along the Scamander River foreshore telling the story of the seven (7) bridges that have gone and the one (1) still standing.

6. The request for an onsite meeting will be considered further down the track once the works are complete and following discussion with Parks & Wildlife Service about the future management of this area.

06/21.2.5 Stormwater Detention Basin – Wrinklers Lagoon – Mr P Beattie, Scamander

In reference to the meeting on the 15 April regarding the Stormwater Detention Basin.

Have Council spoken to Parks and Wildlife concerning Wrinklers Lagoon water level, and draining it more regularly.

Have the Council made a timeframe to speak with Steve Jacques and myself concerning the groundwater issue on our properties.

Reply

Council officers have regular meetings with the Northern and North-Eastern Managers of Parks & Wildlife Service (PWS) to discuss a range of matters relating to the Break O'Day area, the item has been added to the list for discussion. It is noted that PWS have set criterion that are required to be met before a permit is issued to open the lagoon to the beach. PWS have not changed their position in relation to these.

PWS and Council routinely monitor weather forecasts and are proactive in ensuring the appropriate drainage frequency to avoid local area flooding.

An on-site meeting to discuss ground water matters with Steve Jacques and Peter Beattie will occur in August and will be attended by Councils Civil Engineer and Manager Infrastructure and Development Services.

06/21.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

Clr Kristi Chapple declared an interest in agenda item 06/21.6.2 – DA092-2020 – Alternate Route to Existing Quarry – Dianas Basin Quarry via Batchelors Track to Basin Creek Road and Tasman Highway, St Helens.

06/21.4.0 CONFIRMATION OF MINUTES

06/21.4.1 Confirmation of Minutes – Council Meeting 17 May 2021

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 17 May 2021 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.4.1.124 Moved: Clr J Drummond / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 17 May 2021 be confirmed.

CARRIED UNANIMOUSLY

06/21.5.0 COUNCIL WORKSHOPS HELD SINCE 17 MAY 2021 COUNCIL MEETING

There was a Workshop held on Monday 7 June 2021 – the following items were listed for discussion as well as a presentation provided by Youth Connect North East Coast Tasmania (YCNECT).

- Draft Annual Plan 2021-2022
- Rates Discount and Instalment Dates
- Proposed Waste Transfer Station Fees 2021 / 2022
- Draft 2021 – 2022 Budget
- Four (4) Year Capital Works Budget
- Animal Control Report
- Request – Road Transfer – Bedgewood Place and Cooper Street, Seymour
- Georges Bay Jetty Replacement
- Waiver of Fees for Banner Pole Hire – East Coast Swans Football Club
- Disability Access Committee – Funding to Purchase a Sandcruiser All Terrain Chair
- Request for Funds – Fingal Valley Neighbourhood House
- Naming of Location – “Pikes Point”
- February 2021 – NRM Committee Meeting Minutes
- Application for Break O’Day Drought Weeds Grants
- Flagstaff Trail Head – Site Plan for Expansion Opportunities

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

06/21.6.1

DA105 - 2021 – Legalisation of Deck and Veranda – 5 Erythos Grove, St Helens

FILE REFERENCE	DA 105-2021
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Legalisation of Deck & Veranda** on land situated at **5 Erythos Grove, St Helens** described in Certificate of Title CT 10854/16 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Floor Plan, Elevations, Section A-AS.	Job No: 21014 Sheet No's: A01-A05	Streamline Building Designs	27/04/21 Revision: A

2. All stormwater runoff from the proposed building must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.
3. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
4. Any damage that may occur to any Council infrastructure during the construction of the deck and veranda must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
2. Activities associated with works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the legalisation of deck and at land currently identified as 5 Erythos Grove, St Helens.

The proposal is for a new 45.2m² deck (including stairs) adjoining an existing single dwelling to the north. The timber deck is roofed with timber stairs with steel treads.



^ Aerial Photograph



Figure 1 – Subject site from Erythos Grove



Figure 2 - Source: [8 Cobrooga Drive, St Helens, Tas 7216 - Property Details \(realestate.com.au\)](https://www.realestate.com.au/property/details/8-Cobrooga-Drive-St-Helens-Tas-7216)



Figure 3 - Hedging is located between the small section of the landing within 3m setback at >1m above natural ground level to the north-east



Figure 4 – View from deck noting existing vegetation between deck and northern boundary

DISCUSSION:

- The Planning Consultant advised that this application only relies on one (1) performance criteria which is for a portion of the third landing.
- The Planning Consultant advised that one (1) representation was received from an adjacent property owner to the East of the site. There was no planning merit in the representation as it related to building matters and these matters will be addressed through the building permit process.
- Cllr McGuinness and Cllr LeFevre both stated that they believed this application is fairly straight forward.

COUNCIL DECISION:

06/21.6.1.125 Moved: Cllr G McGuinness / Seconded: Cllr B LeFevre

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Legalisation of Deck & Veranda** on land situated at **5 Erythos Grove, St Helens** described in Certificate of Title CT 10854/16 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Floor Plan, Elevations, Section A-AS.	Job No: 21014 Sheet No's: A01-A05	Streamline Building Designs	27/04/21 Revision: A

2. All stormwater runoff from the proposed building must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.
3. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
4. Any damage that may occur to any Council infrastructure during the construction of the deck and veranda must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.

2. Activities associated with works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

Clr Chapple left the meeting at 10.15am

06/21.6.2 DA092 – 2020 – Alternate Route to Existing Quarry – Dianas Basin Quarry via Batchelors Track to Basin Creek Road and Tasman Highway, St Helens

FILE REFERENCE	DA 092-2020
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Alternative Route to Existing Quarry (Dianas Basin Quarry via Batchelors Track to Basin Creek Road and Tasman Highway)** on land situated at **Tasman Highway, Goshen** described in PID 3385516 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Dianas Basin Quarry – Streetwise Developments Pty Ltd, Supporting Information		Barry Williams	20 September 2019 Revision: 1
Traffic Assessment		Terry Eaton	September 2020

2. Quarry access and use of Batchelors Track to be to the requirements of Sustainable Timbers Tasmania.
3. Vehicular sight distances are to be maintained in accordance with the Traffic Assessment authored by Terry Eaton and dated September 2020.

4. The proponent is to erect a minimum of two (2) regulatory truck warning “Symbolic Truck Turning” signs. The signs are to be positioned at the statutory distances before and after the junction of Basin Creek Road and Batchelors Track, as a warning to other road users. These signs are to be erected prior to utilising Basin Creek Road for cartage purposes ancillary to the Dianas Basin Quarry use and remain in place for the duration of the transport operations.
5. Any damage that may occur to any Council infrastructure during the quarry transport operations and use of the Council maintained roads must be reinstated to the satisfaction of Council, at the cost of the proponent.

INTRODUCTION:

Application is made seeking approval to gain alternate access to an existing quarry, known anecdotally as “Dianas Basin Quarry”. A recent transfer of the mining lease 5M/2008 to St Helens Concrete as well as other mining leases has occurred from previous mining lease holder BIS Industries Limited. St Helens Concrete is the business name for Streetwise Developments Pty Ltd.

Dianas Basin Quarry access is via Batchelors Track, a Forestry Tasmania (now known as Sustainable Timber Tasmania) owned and maintained forestry road. Batchelors Track provides a link from Dianas Basin Quarry to Flagstaff Road and to Tasman Highway and then on to points north and south.

Early in 2016 flooding caused irreparable damage to the bridge carrying Batchelors Track across Basin Creek. Sustainable Timber Tasmania confirmed they have no interest in reconstructing the bridge at the present time.

In order to gain access to the state road network and continue supply gravel and aggregates for road construction projects, it is proposed to utilise the southern section of Batchelors Track to take materials both north and south.

The cartage of materials from Dianas Basin Quarry is directly associated and a subservient part of the quarry operations and must be categorised in accordance with Clause 8.2.2 of the *Break O’Day Interim Planning Scheme 2013* (Version 16) (“the scheme”) into the same use class as the quarry operations.

Extractive Industry use class in the Rural Resource Zone is a discretionary use (with qualification – if for a Level 2 Activity), under Table 26.2 of the scheme.

DISCUSSION:

- The Planning Consultant advised that there were seven (7) performance criteria for this application and that she assessed this application as discretionary.
- The Planning Consultant noted that there have been discussions with the Environmental Protection Authority (EPA) and they advised that it is not determined to be subservient under the Environmental Management and Pollution Control Act (EMPCA).
- The Planning Consultant advised that she sought legal advice to ensure we were doing what needed to be done under Section 57 of the Land Use Planning and Approvals Act (LUPAA).

- The Planning Consultant advised that there were concerns in the representations with regard to vegetation removal.
- The Planning Consultant advised that a recommendation in the Traffic Impact Assessment (TIA) was regarding the placement of warning signs which has formed part of condition 4.
- Clr LeFevre stated that he believes the application is extremely thorough there is a lot of conversation with regard to what has happened historically. The application is in relation to finding a new cartage route and the EPA and TIA were fine with the application.
- Clr McGiveron stated that he agrees with Clr LeFevre it is a very extensive report.
- Clr Wright stated that there is some concern over Batchelors Track being approved as a level 1. The Planning Consultant advised that there is information to support this.
- Clr Wright asked, was the TIA done taking into consideration the road works which are currently being done on Tasman Highway. The Planning Consultant advised that the intersection works that have already been done at the junction improved sight distances, etc. The Department of State Growth have reviewed the application as well.
- Clr Drummond stated that she would have liked to have been provided with written evidence regarding the level 1 permit relating to Batchelors Track.
- Clr Whittaker stated that she would like it noted that there should be no further removal of vegetation.

COUNCIL DECISION:

06/21.6.2.126 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Alternative Route to Existing Quarry (Dianas Basin Quarry via Batchelors Track to Basin Creek Road and Tasman Highway)** on land situated at **Tasman Highway, Goshen** described in PID 3385516 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Dianas Basin Quarry – Streetwise Developments Pty Ltd, Supporting Information		Barry Williams	20 September 2019 Revision: 1
Traffic Assessment		Terry Eaton	September 2020

2. Quarry access and use of Batchelors Track to be to the requirements of Sustainable Timbers Tasmania.
3. Vehicular sight distances are to be maintained in accordance with the Traffic Assessment authored by Terry Eaton and dated September 2020.

4. The proponent is to erect a minimum of two (2) regulatory truck warning “Symbolic Truck Turning” signs. The signs are to be positioned at the statutory distances before and after the junction of Basin Creek Road and Batchelors Track, as a warning to other road users. These signs are to be erected prior to utilising Basin Creek Road for cartage purposes ancillary to the Dianas Basin Quarry use and remain in place for the duration of the transport operations.
5. Any damage that may occur to any Council infrastructure during the quarry transport operations and use of the Council maintained roads must be reinstated to the satisfaction of Council, at the cost of the proponent.

CARRIED UNANIMOUSLY

Clr Chapple returned to the meeting at 10.27am

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.

06/21.7.0 COUNCIL MEETING ACTIONS

06/21.7.1 Outstanding Matters

COUNCIL DECISION:

06/21.9.1.127 Moved: Clr K Wright / Seconded: Clr B LeFevre

The report was received.

CARRIED UNANIMOUSLY

06/21.8.0 PETITIONS

Nil.

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council investigate opportunities for textile recycling partnerships and trials as part of a future focussed approach to waste management. A report is sought to assess the possibility of implementing textile recycling facilities as part of the waste management program within the Break O'Day area.

SUBMISSION IN SUPPORT OF MOTION:

As part of a future focused approach to waste management within the municipality, it would be positive to see Council seek grant funding for a textile recycling trial. Council could also investigate partnerships with textile recyclers, which may include providing dropping off facilities for the community at Council waste transfer stations.

I am very aware of the amount of textiles that are donated to the Op Shops in the municipality, some of these donated textiles cannot be resold and must be sent to landfill, this amount must be multiplied many times at the Council owned waste transfer stations.

Textile decomposition can take up to 200 years and during that time these materials, that are put into landfill, leach out harmful chemicals such as ammonia and methane, this creates significant environmental harm.

Textiles are a major problem when it comes to waste management, particularly when we look at the movement towards “fast fashions” in our society and the “throw away” mentality that results from this movement.

2020-21 Budget: Building Tasmania's circular economy

Roger Jaensch MP in November of last year, announced details of the national Recycling Modernisation Fund and committed the Tasmanian Government to providing up to \$5.5 million in grants. These grants will be matched dollar-for-dollar by the Australian Government and recycling businesses to invest at least \$16.5 million in new commercial recycling opportunities that create long-term sustainable jobs in Tasmania.

A textile recycling facility could become a part of the circular economy that is being encouraged by the State Government.

What happens to recycled textiles?

For natural fibres like cotton and wool, the material is shredded, blended, and combed, and then spun into a yarn that can be woven or knitted back into cloth.

The process is different for synthetic fabrics like polyester, which are shredded, then granulated and formed into plastic pellets called nurdles. These pellets undergo a few processes so they can be melted, extruded, and spun into a new fibre.

DISCUSSION:

- Clr Chapple stated that she is very much on board with what Clr Drummond has said.
- Clr McGuinness stated that from experience he knows, we could rely on organisations to take over this role eg could convert to rags, etc. There are opportunities for private enterprise or semi-private enterprise to look into this.

COUNCIL DECISION:

06/21.9.1.128 Moved: Clr J Drummond / Seconded: Clr K Chapple

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council investigate opportunities for textile recycling partnerships and trials as part of a future focussed approach to waste management. A report is sought to assess the possibility of implementing textile recycling facilities as part of the waste management program within the Break O'Day area.

CARRIED UNANIMOUSLY

06/21.9.2 **Notice of Motion – Investigation into Alternate Route – St Marys Pass – Clr K Wright**

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council approaches / petitions, both State and Federal Governments for investigation into an alternate route between East Coast and Fingal Valley. This would be a major road project and would likely attract Federal funding.

SUBMISSION IN SUPPORT OF MOTION:

During times of major works on St Mary Pass an alternate route is essential. However, if a permanent and sustainable alternate were to be established, it could take a large amount of heavy vehicles from the Pass, and therefore reduce much of the ongoing damage to the Pass, and in turn require much less upkeep on the Pass. In previous times, there has been millions of dollars spent on what has largely been “Bandaids” solutions, and has and does require further ongoing repairs.

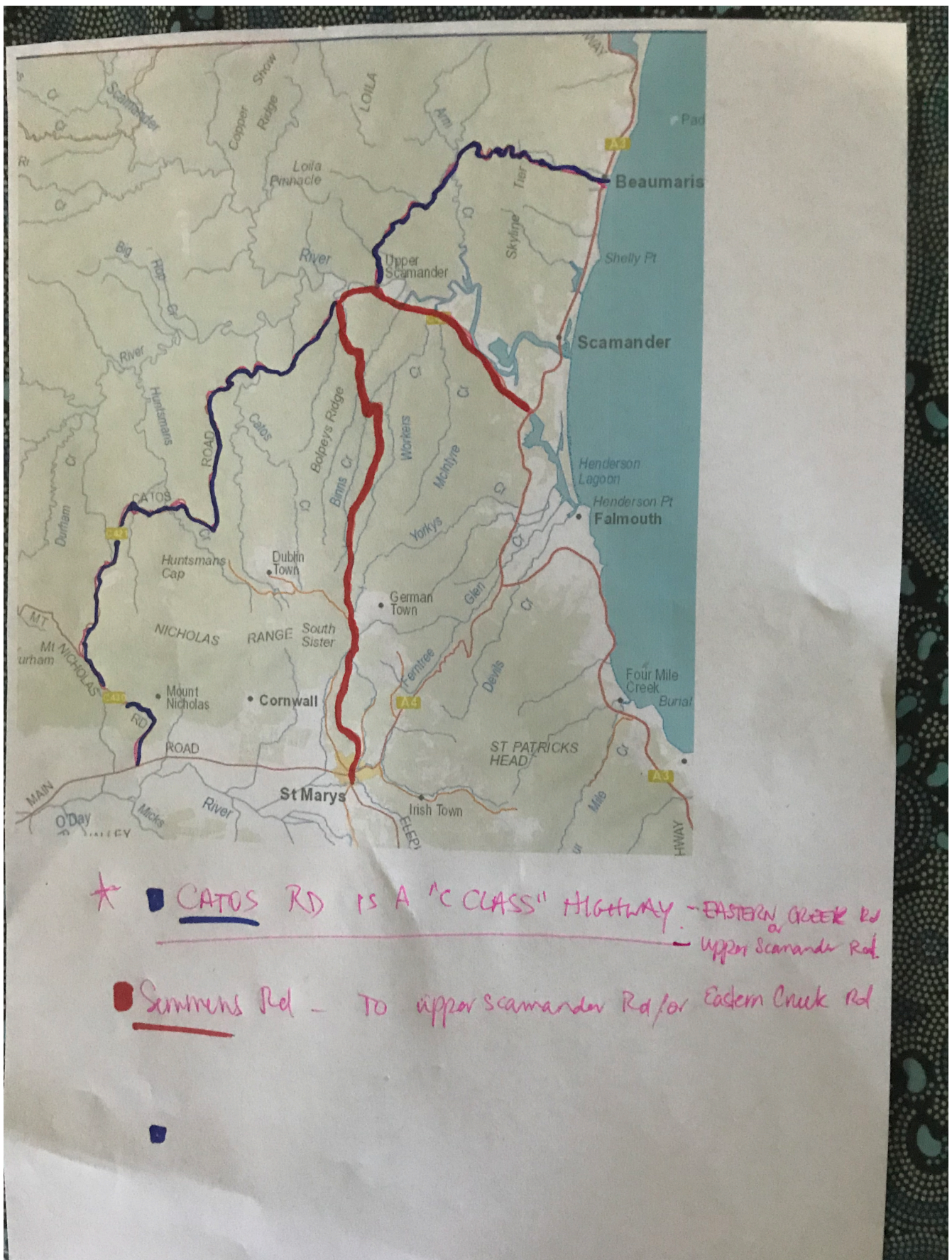
Alternate routes could be investigated from Upper Scamander Road, running through forestry owned land connecting to Semmens Road, and continuing on the German Town Road, St Marys, or alternately from the Valley, utilising an already “Class C” highway, being the Catos Road, which could be continued east to come out at either Upper Scamander Road, or Eastern Creek Road to Beaumaris (Skyline Road). Local and tourist traffic would still be able to access the St Marys Pass is so desired.

Other people with better local knowledge may offer further alternate options.

Further, the alternate road would need to be made as an “All weather” road, so could require either raising of the road through the flood plain areas, or diversion across the headwaters to prevent flooding issues.

Creation of an alternate route would make sense as a better option for heavy vehicles, and could even lend itself to creating a load limit on St Marys Pass, to prevent very large vehicles from using it. It would greatly increase driver safety, and confidence in tourists who are often terrified to travel on the St Marys Pass. An alternate route for school, general passenger and tour buses between East Coast and Fingal Valley, further increasing road user safety. The current alternative is Elephant Pass Road, which is far more treacherous, and often also in a state of disrepair, at the same time as St Marys Pass, due to weather events. Elephant Pass also adds a lot of km’s to a trip from St Helens to St Marys and the Valley. This option is also very much unsuitable for long or heavy vehicles.

St Marys Pass can only be repaired so many times, and is becoming more problematic with mini land slips and rock falls. An alternate route has to be sought in the near future, so why not now? Surely we do not want to see the similar situation here as what has occurred south of Orford, with a complete closure to the only accessible road between Orford and Hobart and other towns in between.



DISCUSSION:

- Clr Wright stated that we should look at an alternate route before it becomes an issue.
- Clr McGiveron stated that he thinks the first approach would be to look at what has already been looked at and have further discussion at a Council workshop.
- Clr McGuinness stated that he agrees with Clr McGiveron, it is certainly important and we should look at alternate routes but we should have the information we have already sought and re-look at it.
- Clr Drummond stated that she agrees with Clr McGiveron and Clr McGuinness, she seconded the motion to allow debate and we should get the information back on the table.

COUNCIL DECISION:

06/21.9.2.129 Moved: Clr K Wright / Seconded: Clr J Drummond

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council approaches / petitions, both State and Federal Governments for investigation into an alternate route between East Coast and Fingal Valley. This would be a major road project and would likely attract Federal funding.

Procedural Motion was moved:

06/21.9.2.130 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the previous information be sourced and updated for discussion at a Council workshop.

CARRIED UNANIMOUSLY

06/21.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

06/21.11.0

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

06/21.11.1

Rooster Free Area – Beaumaris – Cllr L Whittaker

As Beaumaris is a residential area, could Council please consider it to be a Rooster free area?

Reply

Council are currently considering a By-Law in relation to the keeping of roosters within residential areas. Unfortunately, legislation is ambiguous in relation to noise pollution made by roosters and gathering evidence is difficult for Council Officers. Therefore, a By-law to enable Council Officers enforcement provisions in relation to this is being considered.

06/21.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

06/21.12.1

Mayor's Communications for Period Ending 17 May 2021

20.05.2021	St Helens	– Meeting with the General Manager and a Representative from the Bendigo Bank
27.05.2021	St Marys	– Bendigo Bank Community Sessions
02.06.2021	St Helens	– Athletics Club Annual General Meeting
07.06.2021	St Helens	– Council Workshop
08.06.2021	St Helens	– Youth Connect North East Coast Tasmania (YCNECT) Mad Hatter Tea Party
09.06.2021	Launceston	– Northern Tasmania Development Corporation (NTDC) - Regional Visioning Workshop and Members Meeting
11.06.2021	St Helens	– Citizenship Ceremony
11.06.2021	St Helens	– Official Opening of the Bay of Fires Winter Arts Festival
16.06.2021	St Helens Via web	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting
20 - 23.06.2021	Canberra	– Australian Local Government Association (ALGA) – 2021 National General Assembly
28.06.2021	St Helens	– Council Meeting

This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.

St Helens and Districts Chamber of Commerce and Tourism – Mayor Mick Tucker

- Looking at the next Federal election to see what can be leveraged in conjunction with Council.

NRM Special Committee – Clr Janet Drummond

- Meeting on the 13 July 2021.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- Meeting held three (3) weeks ago.
- Had a strategic planning session however he has not yet got the finalisation of this to be able to circulate as yet.
- Snapshot of Tourism on the East Coast – the East Coast is performing quite well, St Helens was performing better than anywhere else in the state.
- The CEO will provide a snapshot every fortnight of what she is doing and Clr McGuinness will circulate it to Councillors for information.
- The Chair has resigned and the Board has received two (2) high level EOI's however the Board decided it should be put out to a Public tender and not look at these two (2) submissions in isolation.

Mental Health Action Group – Clr Barry LeFevre

- No meeting.

Disability Access Committee – Clr Janet Drummond

- Meeting planned for August.
- Discussed the International Day for people living with disabilities and events for that day in December.
- General conversation around some access issues particularly in St Helens.

06/21.13.0

BUSINESS AND CORPORATE SERVICES

06/21.13.1

Corporate Services Department Report

FILE REFERENCE	018\018\001\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with in the Business and Corporate Service Department since the previous Council Meeting.

DISCUSSION:

- The Manager Corporate Services advised that dog registrations are still coming in quite well and are up to 70% with the early bird discount finishing soon.
- Cllr Drummond asked in relation to the responsible dog ownership flyer that hasn't gone out twice – has this managed to go out yet. The Manager Corporate Services advised that it hasn't been sent as yet. The General Manager advised that we are reviewing our further arrangements with this company.

COUNCIL DECISION:

06/21.13.1.131 Moved: Cllr L Whittaker / Seconded: Cllr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

06/21.13.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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OFFICER'S RECOMMENDATION:

That the following reports for the month ending 31 May 2021 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- Cllr Drummond asked in relation to Basin Creek Road works, have we done work on this. The General Manager advised that we have done some minor work there in conjunction with other agencies and contractors who use this road.

- Clr Drummond asked in relation to Atlas Drive landslip, where is this at. The Manager Infrastructure and Development Services advised that we did an original estimate based on the engineering assessment and we grossly under estimated the work.
- Clr Whittaker asked in relation to item number #1896 – land and building rental and leasing costs – why is this sitting where it is. The General Manager advised that this is where the car park sits and the comments in the report have not been carried forward from previous agendas.

COUNCIL DECISION:

06/21.13.2.132

Moved: Clr K Wright / Seconded: Clr J Drummond

That the following reports for the month ending 31 May 2021 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

CARRIED UNANIMOUSLY

06/21.13.3

Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Visitor Information Centre.

DISCUSSION:

The Manager Corporate Services advised that he had nothing further to add.

COUNCIL DECISION:

06/21.13.3.133

Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	018\005\004\
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OFFICER'S RECOMMENDATION:

That Council receive the:

1. Minutes of the Audit Panel 7 June 2021;
2. Audit Panel Annual Report for 2020/2021; and
3. Endorse the Audit Panel Work Plan for 2021/2022.

INTRODUCTION:

Council's Audit Panel meets every three (3) months and the minutes of each meeting are required to be provided to Council.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.13.4.134

Moved: Clr J Drummond / Seconded: Clr B LeFevre

That Council receive the:

1. Minutes of the Audit Panel 7 June 2021;
2. Audit Panel Annual Report for 2020/2021; and
3. Endorse the Audit Panel Work Plan for 2021/2022.

CARRIED UNANIMOUSLY

FILE REFERENCE	018\017\004\
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OFFICER'S RECOMMENDATION:

That Council amend the proposed 2021/2022 Fees and Charges for Waste, Planning and Right to Information as tabled in this report.

INTRODUCTION:

Council's current forecasted 2021/2022 waste management has been identified as having a very significant operating deficit. As well as increases to charges, it has been identified that waste disposal fees should be increased to assist in meeting the increased waste disposal costs on the basis of user pays.

Some minor changes to planning fees have also been identified subsequent to the adoption of Fees & Charges for 2021/2022 and the state has provided the change to fee units for Right to Information charges.

DISCUSSION:

- The Manager Corporate Services stated that we are looking at more of a user pays approach with regard to the waste costs, the other element is some planning fee changes, these are mostly changing some higher level ones and these will be considered on a case by case basis per application. Search for House Plans is in line with other Councils.
- Cllr Wright asked, with regard to the increase of tip fees is there something that can be put in place for us to address the illegal dumping issues – can this be discussed.
- Cllr Wright stated that she had been told the Weldborough tip is unattended and there have been ongoing issues there. The Manager Infrastructure and Development Services stated that the Weldborough site is not a tip, there is a blue bin there for residents use and the residents have keys to the site, and we have had no issues reported at this site.
- Cllr McGuinness asked in relation to plan searches that he was sure that a considerable amount of plans were lost in the changeover from Portland to Break O'Day Council, is there anyway that someone applying for a house plan search could be told that "no" it won't be there during a certain period. The General Manager stated that this is a question for the Development Services Coordinator.

COUNCIL DECISION:

06/21.13.5.135

Moved: Cllr G McGuinness / Seconded: Cllr L Whittaker

That Council amend the proposed 2021/2022 Fees and Charges for Waste, Planning and Right to Information as tabled in this report.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 11.02am

Meeting resumed at 11.13am

FILE REFERENCE	018\007\001\
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OFFICER'S RECOMMENDATION:

That Council adopt the 2021/2022 Budget Estimates document inclusive of:

1. Budget Income Statement
2. Budgeted Statement of Financial Position
3. Budgeted Cash Flow Statement

and,

That in accordance with the provisions of the Local Government Act 1993, Council adopts the rates and charges for the period 1 July 2021 to 30 June 2022 in accordance with the resolutions which follow.

1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2021 and ending 30 June 2022, namely a rate of 8.343 cents in the dollar on the assessed annual value (as adjusted) of the land.
- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$568.00.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
 - (a) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.60368 cents in the dollar of the assessed annual value (as adjusted) of the land

2. Service Charges:

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O'Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2021 and ending on the 30 June 2022, namely:

2.1 Waste Management:

Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure

for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$200.00.

2.1.2 Waste Collection Services

- (a) for making available the service of a 140 litre mobile waste bin collection within each collection area, \$100.00 per bin; and
- (b) for each additional 140 litre mobile waste bin collection within each collection area, \$100.00 per bin.
- (c) for making available the service of a 240 litre mobile waste bin collection within each collection area, \$164.00 per bin; and
- (d) for each additional 240 litre mobile waste bin collection within each collection area, \$164.00 per bin
- (e) for making available the service of a 240 litre mobile recycling collection within each collection area, \$84.00 per bin; and
- (f) for each additional 240 litre mobile recycling collection within each collection area, \$84.00 per bin.

2.1.3 Waste Collection Services – Exceptions

Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;

- (a) where land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (b) where improved land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but either of the following two conditions apply:
 - (i) the capital value is \$3,000 or less above the land value; or
 - (ii) is considered to not be habitable;vary the collection service charge to nil;
- (c) where land to which sub-paragraphs 2.1.2 (a), (c) or (e) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):

Pursuant to Section 93A of the *Local Government Act 1993* Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the Municipal area as follows:

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.46915
General land	.35037

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$42.00.

3. Separate Land:

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

4. Adjusted Values:

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the *Local Government Act 1993*.

5. Instalment Payment:

Pursuant to Section 124 of the *Local Government Act 1993*, Council:

- (a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.
- (b) determines that the dates by which instalments are to be paid shall be as follows:
 - (i) The first instalment on or before 7 September 2021;
 - (ii) The second instalment on or before 9 November 2021;
 - (iii) The third instalment on or before 1 February 2022; and
 - (iv) The fourth instalment on or before 3 May 2022.
- (c) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

6 Discount:

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges, a discount of 2% of the rates and charges if they are paid, and received by Council, by one payment on or before 7 September 2021.

7. Penalty and Interest:

Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid, and received by Council, on or before the date it falls due then:

- (a) there is payable a penalty of 6% of the unpaid rate or instalment; and
- (b) there is payable a daily interest charge of 0.0215616% (7.87% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

INTRODUCTION:

The Budget Estimates and Rates Resolution are considered annually in accordance with Section 82 of the *Local Government Act 1993* and are prepared in accordance with Council's Long Term Financial Plan.

DISCUSSION:

- The Manager Corporate Services advised that we have had a look at the draft budget since the workshop and there have been a few changes, there were a few errors found such as a couple of double ups, etc that were in the workshop version which have now been fixed, we have also included the reduction from 3% to 2% for the discount. With the interest rates being as they are below 0.2% the investments are not generating as much income as we would like.

- Mayor Tucker congratulated everyone for the work they have done to prepare this budget and to work with what has happened with COVID.
- Cllr Drummond stated that she has had a few people make comments that they save up each year to be able to make their rates payments to receive the discount as this gives them a small saving. She feels uncomfortable with reducing the discount.
- Cllr LeFevre stated that he thinks it is important in discussions with ratepayers for Councillors to explain the increase in waste charges.
- Mayor Tucker stated that we are going to incur this increase for the next three (3) years from the State Government in the area of waste.
- Cllr Drummond stated that this goes back to us trying to educate our community with regard to reducing, reusing and recycling to reduce the amount of stuff we are putting into landfill.
- The Communications Coordinator stated that when the rates notices go out there will be a four (4) page newsletter also going out with includes information about the reduce, reuse and recycling as well as information about where the increases are coming from.

COUNCIL DECISION:

06/21.13.6.136

Moved: Cllr M Osborne / Seconded: Cllr J McGivern

That Council adopt the 2021/2022 Budget Estimates document inclusive of:

1. Budget Income Statement
2. Budgeted Statement of Financial Position
3. Budgeted Cash Flow Statement

and,

That in accordance with the provisions of the Local Government Act 1993, Council adopts the rates and charges for the period 1 July 2021 to 30 June 2022 in accordance with the resolutions which follow.

1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2021 and ending 30 June 2022, namely a rate of 8.343 cents in the dollar on the assessed annual value (as adjusted) of the land.
- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$568.00.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
 - (a) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.60368 cents in the dollar of the assessed annual value (as adjusted) of the land

2. Service Charges:

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O'Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2021 and ending on the 30 June 2022, namely:

2.1 Waste Management:

Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure

for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$200.00.

2.1.2 Waste Collection Services

- (a) for making available the service of a 140 litre mobile waste bin collection within each collection area, \$100.00 per bin; and
- (b) for each additional 140 litre mobile waste bin collection within each collection area, \$100.00 per bin.
- (c) for making available the service of a 240 litre mobile waste bin collection within each collection area, \$164.00 per bin; and
- (d) for each additional 240 litre mobile waste bin collection within each collection area, \$164.00 per bin
- (e) for making available the service of a 240 litre mobile recycling collection within each collection area, \$84.00 per bin; and
- (f) for each additional 240 litre mobile recycling collection within each collection area, \$84.00 per bin.

2.1.3 Waste Collection Services – Exceptions

Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;

- (a) where land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (b) where improved land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but either of the following two conditions apply:
 - (i) the capital value is \$3,000 or less above the land value; or
 - (ii) is considered to not be habitable;vary the collection service charge to nil;
- (c) where land to which sub-paragraphs 2.1.2 (a), (c) or (e) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):

Pursuant to Section 93A of the *Local Government Act 1993* Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the Municipal area as follows:

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.46915
General land	.35037

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$42.00.

3. Separate Land:

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

4. Adjusted Values:

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the *Local Government Act 1993*.

5. Instalment Payment:

Pursuant to Section 124 of the *Local Government Act 1993*, Council:

- (a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.
- (b) determines that the dates by which instalments are to be paid shall be as follows:
 - (i) The first instalment on or before 7 September 2021;
 - (ii) The second instalment on or before 9 November 2021;
 - (iii) The third instalment on or before 1 February 2022; and
 - (v) The fourth instalment on or before 3 May 2022.
- (c) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

6. Discount:

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges, a discount of 2% of the rates and charges if they are paid, and received by Council, by one payment on or before 7 September 2021.

7. Penalty and Interest:

Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid, and received by Council, on or before the date it falls due then:

- (a) there is payable a penalty of 6% of the unpaid rate or instalment; and
- (b) there is payable a daily interest charge of 0.0215616% (7.87% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

CARRIED UNANIMOUSLY

06/21.14.0 WORKS AND INFRASTRUCTURE

06/21.14.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

DISCUSSION:

- The Manager Infrastructure and Development Services advised that due to the severe weather event over the last couple of weeks North Ansons Bay Road is needing repairs, this road will be regraded in the next week or so and it will take 2-3 weeks to reshape the roads through to Ansons Bay, Eddystone Point and North Ansons Bay Road.

COUNCIL DECISION:

06/21.14.1.137 Moved: Clr B LeFevre / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

06/21.14.2 Animal Control Report

FILE REFERENCE	003\003\018\
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OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly update for animal control undertaken since the last meeting of Council.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.14.2.138 Moved: Clr G McGuinness / Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

06/21.14.3 Georges Bay Jetty Replacement

FILE REFERENCE	028\015\005\
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OFFICER'S RECOMMENDATION:

That the Council endorsement for the replacement of both Kirwans Beach and Beauty Bay jetties in the 2021/2022 financial year utilising MAST funding of \$204,053 allocated for the 2020/2021 financial period.

INTRODUCTION:

The purpose of this report is to seek Council endorsement for the replacement of both Kirwans Beach and Beauty Bay jetties in the 2021/2022 financial year utilising MAST funding of \$204,053 allocated for the 2020/2021 financial period.

DISCUSSION:

- The Manager Infrastructure and Development Services stated that the project is fully funded by Marine and Safety Tasmania (MAST), we have now received a grant deed.
- The Manager Infrastructure and Development Services stated that we need Crown Land Consent and the timing of replacement will be advised to Council.

- Cllr McGuinness asked, is it mooted that the replacements will be staggered as these are very important jetties from a recreational point of view. The Manager Infrastructure and Development Services advised that we only have resources to do one at a time.
- Cllr LeFevre stated that from a users point of view the beginning of September through to the end of April is the best fishing time as well as busy time, the best time to replace them would be July, August and May, June so it doesn't run through school holidays etc.

COUNCIL DECISION:

06/21.14.3.139

Moved: Cllr G McGuinness / Seconded: Cllr B LeFevre

That Council endorse the replacement of both Kirwans Beach and Beauty Bay jetties in the 2021/2022 financial year utilising MAST funding of \$204,053 allocated for the 2020/2021 financial period.

CARRIED UNANIMOUSLY

06/21.15.0 COMMUNITY DEVELOPMENT

06/21.15.1 Community Services Report

FILE REFERENCE	011\034\006\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Community Services Department.

DISCUSSION:

- The Manager Community Services advised that she has submitted two (2) grant applications. One (1) is for the Learner Driver Program and the other is funding from the Department of State Growth for interpretative panels in Scamander talking about the bridges in Scamander River.

COUNCIL DECISION:

06/21.15.1.140

Moved: Cllr J Drummond / Seconded: Cllr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

06/21.15.2 Waiver of Fees for Banner Pole Hire – East Coast Swans Football Club

FILE REFERENCE	004\011\005\
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OFFICER'S RECOMMENDATION:

That Council provide a reduction of 50% as a level of support to the East Coast Swans in the erection of the street banner across Cecilia Street, St Helens prior to home games – approximately eight (8) times a season – at a cost of \$125.00 per erection of banner.

INTRODUCTION:

East Coast Swans Football Club has requested for Councils assistance in erecting a street banner in Cecilia Street, St Helens the week before a football game is played at home. Approximately eight (8) times per year. Dates yet to be provided.

DISCUSSION:

No discussion took place on this item

COUNCIL DECISION:

06/21.15.2.142 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council provide a reduction of 50% as a level of support to the East Coast Swans in the erection of the street banner across Cecilia Street, St Helens prior to home games – approximately eight (8) times a season – at a cost of \$125.00 per erection of banner.

CARRIED UNANIMOUSLY

06/21.15.3 Request for Funds – Fingal Valley Neighbourhood House

FILE REFERENCE	040\016\008\
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OFFICER'S RECOMMENDATION:

That Council support the Fingal Valley Neighbourhood House in providing funds to go towards the purchase of a compactus file system to ensure that the history of the Fingal Valley is stored correctly in the sum of \$6,510.

INTRODUCTION:

Council has received a request from the Fingal Valley Neighbourhood House to assist with the funding of a compactus file to store their historical documents and artefacts.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.15.3.143

Moved: Clr M Osborne / Seconded: Clr J Drummond

That Council support the Fingal Valley Neighbourhood House in providing funds to go towards the purchase of a compactus file system to ensure that the history of the Fingal Valley is stored correctly in the sum of \$6,510.

CARRIED UNANIMOUSLY

06/21.15.4 Disability Access Committee – Funding to Purchase a Sandcruiser All Terrain Chair

FILE REFERENCE	011\011\002\
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OFFICER'S RECOMMENDATION:

That Council purchase a Sandcruiser All Terrain Chair that can be used by people with disabilities allowing them to access the beach/water at a cost of \$4,600 plus postage.

INTRODUCTION:

The Disability Access Committee is a Special Committee of Council. The Disability Action Plan was adopted by Council at the May 2021 meeting.

DISCUSSION:

- Clr Drummond stated that a comment from the Committee was that it was very well received that Council were considering the purchase of this chair.

COUNCIL DECISION:

06/21.15.4.144

Moved: Clr J Drummond / Seconded: Clr K Wright

That Council purchase a Sandcruiser All Terrain Chair that can be used by people with disabilities allowing them to access the beach/water at a cost of \$4,600 plus postage.

CARRIED UNANIMOUSLY

06/21.16.0 DEVELOPMENT SERVICES

06/21.16.1 Development Services Report

FILE REFERENCE	031\013\003\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with by the Development Services Department since the previous Council meeting.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.16.1.145 Moved: Clr J McGiveron / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

06/21.16.2 February 2021 – NRM Committee Meeting Minutes

FILE REFERENCE	010\028\002\
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OFFICER'S RECOMMENDATION:

That Council receive the Minutes of NRM Committee Meeting of 23 February 2021, acknowledging any advice and considering recommendations from the Committee for further Council attention.

INTRODUCTION:

The Break O'Day NRM Special Committee met on 23 February 2021 at the Break O'Day Child and Family Centre.

DISCUSSION:

- Clr LeFevre stated that there seems to be quite significant comment with regard to conduct in meetings.

COUNCIL DECISION:

06/21.16.2.146

Moved: Clr J Drummond / Seconded: Clr K Wright

That Council receive the Minutes of NRM Committee Meeting of 23 February 2021, acknowledging any advice and considering recommendations from the Committee for further Council attention.

CARRIED UNANIMOUSLY

06/21.16.3

Application for Break O'Day Drought Weeds Grants

FILE REFERENCE	017\014\004\
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OFFICER'S RECOMMENDATION:

That Council consider two (2) Drought Weeds grants applications as follows:

1. Lower George floodplain, St Helens

Weed/s	Cape weed
Weed plan	Maintain pasture quality by controlling cape weed introduced to several paddocks and follow-up monitoring and control. Biosecurity controls: manage livestock/grazing for cover, use only on-farm silage and hay to avoid further introductions and surveillance.
Weed/s & works	Boom spraying of cape weed on three paddocks by contractor while actively growing.
Funding use	Contractor costs.
Project budget	\$1,408
Funding sought	<u>\$440</u>

2. 'Speyside', Mangana

Weed/s	Patersons curse, cotton and nodding thistles
Weed plan	Continuation on property of Mangana Patersons curse control, contributing to program at Mangana with other landholders and Council/DPIPWE & farmer group. Also treatment of thistle outbreak in paddocks. Further follow-up anticipated.
Weed/s & works	Patersons curse by spot spraying rosettes autumn & spring. Thistles by spot spraying. Landholder supplying materials and additional spot spraying.
Funding use	Contractor spraying.
Project budget	\$12,602
Funding sought	<u>\$5,584</u>

INTRODUCTION:

Council's Drought Weeds Project is underway with its Drought Weeds Officer working with farmers in the field supporting farmers to access Council's \$30,000 of Drought Weeds grants funding.

Approval of these two (2) grant applications will fully allocate Break O'Day Drought Weeds grants funds and the offer of the funding will end.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.16.3.147

Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council consider two (2) Drought Weeds grants applications as follows:

1. Lower George floodplain, St Helens

Weed/s	Cape weed
Weed plan	Maintain pasture quality by controlling cape weed introduced to several paddocks and follow-up monitoring and control. Biosecurity controls: manage livestock/grazing for cover, use only on-farm silage and hay to avoid further introductions and surveillance.
Weed/s & works	Boom spraying of cape weed on three paddocks by contractor while actively growing.
Funding use	Contractor costs.
Project budget	\$1,408
Funding sought	<u>\$440</u>

2. 'Speyside', Mangana

Weed/s	Patersons curse, cotton and nodding thistles
Weed plan	Continuation on property of Mangana Patersons curse control, contributing to program at Mangana with other landholders and Council/DPIPWE & farmer group. Also treatment of thistle outbreak in paddocks. Further follow-up anticipated.
Weed/s & works	Patersons curse by spot spraying rosettes autumn & spring. Thistles by spot spraying. Landholder supplying materials and additional spot spraying.
Funding use	Contractor spraying.
Project budget	\$12,602
Funding sought	<u>\$5,584</u>

CARRIED UNANIMOUSLY

06/21.17.0 GOVERNANCE

06/21.17.1 General Manager's Report

FILE REFERENCE	002\012\001\
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OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the General Manager and with other Council Officers where required.

DISCUSSION:

- The General Manager provided an update in regards to the Community Garden – this is progressing. He recently met with Belinda and Tyler from the St Helens Neighbourhood House onsite to talk through some fine-tuning. The Development Services Coordinator is working with the Neighbourhood House with regard to the relocation of the buildings and associated approvals and we are working with them on timing when things work for them with relocation of garden beds in between planting seasons. The site is fenced, some adjustments need to be made to rabbit proof the whole site. Cllr McGuinness asked, where will the access be, the line of site on the esplanade road is not great. The General Manager advised that they will come in down through the Croquet area as their primary access. Cllr Osborne asked, are we doing the majority of work or are they. The General Manager stated that we are helping get things through approval processes, we did fencing but they are doing the rabbit proofing, it is a bit of a mix between us and them. Relocation of plants and establishment of beds is them. The General Manager stated that the area looks far bigger than what they had near the hospital.
- Cllr Drummond commented with regard to the Bendigo Bank being in the town hall last Thursday and they are there again tomorrow and people have been dropping in. The Manager Community Services stated that this is still basically on a trial period at the moment.
- The General Manager reported from the National General Assembly (NGA) in Canberra last week that there was interesting information in one of the sessions relating to waste management, he is trying to access the information. There was a graph with regard to what is profitable in the waste stream so he will find the information and circulate to Councillors. Cllr Drummond stated that she attended the Local Government webinar on the container deposit system and she has the slides so she will circulate them to Councillors for information.

COUNCIL DECISION:

06/21.17.1.148 Moved: Cllr J McGiveron / Seconded: Cllr B LeFevre

That the General Manager's report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	004\019\014\
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OFFICER’S RECOMMENDATION:

That Council note the draft site plan and request that Council Officers proceed to an Expression of Interest (EOI) process for future development and business opportunities at the Flagstaff Trail Head.

INTRODUCTION:

Due to increased public enquiries with regard to establishing support services and businesses at the Flagstaff Trail Head it is important that appropriate locations are identified where it is best suited to establish a “village feel” and also enables flexibility and expansion when larger events are hosted at the location. A draft site plan identifying preferred locations coupled with an EOI process provides opportunities that are both fair and transparent ensuring a consistent and logical layout of structures at the Trail Head.

DISCUSSION:

- The General Manager stated that we would like to have a village style atmosphere without compromising the site.
- The General Manager stated that we have had a number of enquiries hence the advertising of an Expression of Interest (EOI) so we can have control over the site as well as monitor the diversity of services provided.
- The General Manager stated that it fits in well with the operation of the site moving forward.
- Cllr Wright asked, if any infrastructure is going in will this come as a cost to the ratepayers? The General Manager stated that the only infrastructure could potentially be power but we do have power in various areas, and if power is required this may come as a cost to the proponent.
-
- Cllr Drummond stated that she had similar concerns to Cllr Wright with regard to power and stormwater and whether they can be offset somehow, she wouldn’t feel comfortable with ratepayers paying for more infrastructure up there.
- The question was asked as to how many events over 1000 people per year can we expect. The General Manager stated, going forward – Dragon Trail, hoping that we will have at least two (2) or three (3) events a year. Trail running is a big thing and we are hoping we may get something like this in the future.
- Cllr Drummond stated that she would like to see the cost involved in putting in the infrastructure be covered by a commercial enterprise. She would also like to see disability access in the area evolve, eg the picnic tables. The General Manager stated that we are putting more tables in up there and it has been noted that we need to look at the design to make sure we address the access issues.

- Clr Chapple asked in relation to trail running – are we actively chasing this idea and promoting this as an idea. The Manager Community Services has spoken to members of the triathlon committee and they are keen to look into something like this but COVID has been the killer for people looking to do events. There is a group in Victoria that do run these events as well. We are out there it is just timing.
- Clr Whittaker said well done to Council for the forward planning and thinking, you are being proactive, however, she would not like it to be extra cost to ratepayers, it should be done by the commercial businesses.
- The General Manager stated that stormwater can be dealt with very simple up there onsite by the people who are doing it. If anyone else wants wastewater they have to come up with a solution at their cost, power would be in discussion with the proponent. It has to stand on its own two (2) feet from a commercial perspective and they will pay rent.

COUNCIL DECISION:

06/21.17.2.149

Moved: Clr J McGivern / Seconded: Clr B LeFevre

That Council note the draft site plan and request that Council Officers proceed to an Expression of Interest (EOI) process for future development and business opportunities at the Flagstaff Trail Head.

CARRIED UNANIMOUSLY

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into of Closed Council.

Moved: Clr L Whittaker / Seconded: Clr K Wright

CARRIED UNANIMOUSLY

IN CONFIDENCE

06/21.18.0 CLOSED COUNCIL

06/21.18.1 Confirmation of Closed Council Minutes – Council Meeting 17 May 2021

06/21.18.2 Outstanding Actions List for Closed Council

06/21.18.3 Terrys Hill Road – Bridge Replacement and Road Works - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

06/21.18.3.CC Moved: Clr J McGiveron / Seconded: Clr K Wright

That Council receive this report for information.

CARRIED UNANIMOUSLY

06/21.18.4 Request – Road Transfer - Bedgewood Place and Cooper Street, Seymour - Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

06/21.18.4.CC Moved: Clr J Drummond / Seconded: Clr B LeFevre

That Council does not assume the ownership and maintenance of Bedgewood Place and Cooper Street, Seymour (Crown Road Reservations).

FOR	Clr J McGiveron, Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond, Clr G McGuinness, Clr B LeFevre, Clr M Tucker
AGAINST	Clr M Osborne
CARRIED	

COUNCIL DECISION:**PUBLISH IN PUBLIC MINUTES:****06/21.18.5.CC** Moved: Clr G McGuinness / Seconded: Clr J Drummond

1. That Council consider the offer made by Hub4Health that being: Council take ownership of the property at 5 Portland Court at no cost for same with the proviso that it be used for similar purpose to benefit the community.
2. That if Council agrees to the offer as stated in 1 above, that Council do improvements to the current facility at the St Marys Recreation Ground Exhibition Building having regard to the structural limitations of the building.

CARRIED UNANIMOUSLY

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move out of Closed Council.

Moved: Clr J Drummond / Seconded: Clr J McGiveron

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.32pm.

.....
MAYOR

.....
DATE